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Administrative Obstruction in EU Medical Education V:

Procedural Delay, Deflection, and Response – in the Hungarian National Institutions

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{The ORCID record serves as the evidentiary repository for this case, containing:
Administrative Obstruction in EU Medical Education I–IV and VI, Denied Access to the Scalpel for Dissecting the Specimen, Ghost Students: The Legal Fiction of FM and CV Status, Gatekeeper of Rights I–II, Cross-Border Acknowledgment I–IV, and related GDPR and whistleblower filings.}

I. National Case Numbers (Hungary)

Ombudsman Case (Commissioner for Fundamental Rights – **AJBH): EBF–AJBH–309–2025**

Administrative Court Case: **7.Kpk.750.239/2025/2**

Data-Protection Authority Case (NAIH): **J-427-3/2025**

Hungarian Accreditation Committee Reference (MAB): **MAB/477-4/2025**

II. European Union Case Numbers

European Commission Complaint No.: 86019

EU Rule-of-Law / Funding Oversight: Council Implementing Decision (EU) 2022/2506 (Hungary country chapter and related Rule-of-Law conditionality measures)

The present paper should be read as the procedural/doctrinal companion to the substantive case-study volumes already archived under these identifiers.

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ABSTRACT

Previous volumes in the series on ***Administrative Obstruction in EU Medical Education*** have examined substantive rights violations in Hungary's English-language medical programs, including the denial of mandatory anatomy practical, extralegal demands for revocation of signatures, degradation of examination specimens, and resource deficiencies inconsistent with ESG and WFME standards. This ***fifth installment shifts the focus from the events themselves to how authorities*** responded once these violations were reported. It provides a procedural analysis of administrative silence and compelled responses in a single whistleblower case involving Semmelweis University and national oversight bodies between *June and November 2025.*

Drawing on documentary evidence preserved across ***Denied Access to the Scalpel for Dissecting the Specimen*** **(Appendix F-1),** ***Educational Rights and Whistleblower Protection in Hungarian Medical Education*** **(Appendix F-2),** ***Gatekeeper of Rights I & II*****, and the** ***Cross-Border Acknowledgment*** **trilogy**, the paper reconstructs a sequence that includes four unanswered internal e-mails ***(June 26–July 3),*** an Administrative Court petition (July 3), the Court's transmission order (**July 11),** the University's delayed reply (July 14), the Ombudsman's defective service of its August 15 ruling, a October 14 retaliatory notice, and dual registered dispatches on November 5. Instead of revisiting the anatomy-lab dispute in detail, the analysis examines how procedural inaction—failure to answer, delayed engagement, fragmented communication, and reliance on technicalities—functions as a form of maladministration under Act CL of 2016, weakens Act XXV of 2023 on whistleblower protection, and undermines EU Charter Articles 41 (good administration) and 47 (effective remedy).

The paper argues that reactive compliance—responding only when compelled by a Court order or risk of external exposure—has become a recognizable administrative pattern in this case. This pattern aligns with the Hungarian concept of *hivatali mulasztás* (neglect of authority). It raises questions for ESG 1.7 (information management) and for WFME expectations regarding transparent complaint-handling in medical education. At system level, such procedural drift erodes the credibility of quality-assurance claims and increases risk for international students whose educational progression is time-sensitive.

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The conclusion proposes a set of concrete procedural reforms for universities, rights-protection bodies, and accreditation agencies: time-bound responses, shared case-tracking, verifiable communication of decisions, explicit recognition of administrative silence as a rights-relevant event, and integration of complaint-handling metrics into ESG/WFME accreditation reviews.

KEYWORDS
Administrative negligence; procedural silence; Ombudsman; AJBH; NAIH; MAB; accreditation; whistleblower protection; Act CL/2016; Act XXV/2023; EU Charter Article 41; Semmelweis University

JEL Codes: K23 • I23 • D73

1. INTRODUCTION

The series on **Administrative Obstruction in EU Medical Education** has documented how structural inequality and discretionary administration influence international medical students in Hungary's English-language programs. Previous installments examined the denial of access to compulsory anatomy laboratories, the imposition of unwritten "signature-revocation" conditions, and resource deficiencies that undermine fair assessment and progression. These studies primarily addressed substantive rights: identifying who was excluded, on what grounds, and the consequences for qualification and mobility.

This fifth paper, however, concentrates on the procedural process of a single case: what transpires after a student utilizes formal channels—such as internal university complaints, the Commissioner for Fundamental Rights (Ombudsman), the data protection authority (NAIH), the Hungarian Accreditation Committee (MAB), and the Administrative Court. Are these mechanisms effective as meaningful remedies, or does silence become the default until external pressures necessitate an institutional response?

Between **June 26 and November 13, 2025**, the complainant in Ombudsman Case EBF–AJBH–309–2025 submitted four internal emails, filed an Administrative Court petition, submitted supplementary materials to the

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Ombudsman and NAIH, and archived the evolving record on SSRN and ResearchGate. During this period, Semmelweis University remained silent until the Budapest Metropolitan Court issued a transmission order on July 11, 2025, prompting the Vice-Rector's first official response on July 14, 2025. The Ombudsman subsequently issued a decision dated August 15; however, this was not effectively communicated to the complainant, whereas a notice issued on October 14 shifted tone toward retaliation regarding the complainant’s publications rather than addressing the underlying rights claim.

This pattern—initial silence, reactive engagement when compelled, and defensive communication around whistleblowing—raises an essential yet narrow question: can administrative inaction be considered maladministration and a breach of rights relevant under EU law? Under Act CL of 2016 on General Administrative Procedure and Articles 41 and 47 of the EU Charter, this question warrants increasingly serious consideration.

The objectives of this paper are therefore threefold:

1. To reconstruct the procedural timeline of the Semmelweis case from June to November 2025, highlighting when authorities acted and when they did not.

2. To analyze this pattern through the framework of hivatali mulasztás, Act CL of 2016, Act XXV of 2023 on whistleblower protection, and Articles 41 and 47 of the EU Charter.

3. To explore the implications for ESG/WFME-aligned accreditation standards, where effective complaint and remedy mechanisms play a crucial role in quality assurance.By isolating procedural inaction and compelled response as the central object of analysis, this paper complements, rather than duplicates, the earlier substantive case studies.

2. LEGAL AND NORMATIVE FRAMEWORK ON ADMINISTRATIVE SILENCE

2.1 Act CL of 2016 and *Hivatali Mulasztás*

The Act CL of 2016 on General Administrative Procedure governs deadlines, communication duties, and reasoning requirements for

Hungarian authorities handling citizen petitions and complaints. It requires administrative bodies to acknowledge receipt, inform about the process, and issue a reasoned decision within legal timeframes, which can be appealed. When an authority fails to act or systematically exceeds reasonable time limits, Hungarian practice often describes this as hivatali mulasztás—neglect or omission of official duty. If such omission results in the loss of time-sensitive opportunities—such as missing a semester, failing a required exam, or losing student status—it ceases to be merely a technical error and becomes a rights-related failure. The Act CCIV of 2011 on National Higher Education imposes sector-specific obligations on universities, including the duty to ensure predictable procedures, equal treatment, and access to mandatory course components. Administrative silence in higher education cases, therefore, intersects both general administrative law and specialized education law.

2.2 Whistleblower Protection: Act XXV of 2023

Act XXV of 2023 on Complaints, Disclosures in the Public Interest, and Whistleblower Protection transposes EU whistleblower standards into Hungarian law. It requires institutions above a specific size—including universities—to establish secure internal reporting channels and to handle complaints in a timely, good-faith manner while protecting the reporter from retaliation.

In this framework, silence is not neutral. Failure to acknowledge or handle a public-interest disclosure undermines the purpose of the statute, which is to encourage early reporting of systemic risk. When silence is combined with later defensive or retaliatory communication, it signals that the institution treats whistleblowing as a threat rather than a contribution to compliance.

2.3 EU Charter Articles 41 and 47

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The EU Charter of Fundamental Rights provides the European-level benchmark for evaluating domestic procedural conduct. Article 41 (Right to good administration) affirms the entitlement to have affairs managed impartially, equitably, and within a reasonable timeframe by institutions implementing EU law, serving as a normative standard for Member-State authorities in areas such as GDPR, cross-border recognition of qualifications, and rights associated with EU funding. Article 47 (Right to an effective remedy and to a fair trial) stipulates that individuals must have access to practical and effective remedies when their rights are infringed, beyond a mere theoretical entitlement to file a complaint. When administrative bodies delay responses, inadequately communicate decisions, or rely on technicalities to close cases without addressing the substantive issues, they may breach the operational principles of Articles 41 and 47, even if formal procedures are documented.

2.4 ESG, WFME, and Complaint-Handling as Quality Assurance

Quality assurance frameworks relevant to medical education introduce an additional normative layer. The ESG outlines requirements such as ESG 1.3 – ensuring fair and transparent assessment; ESG 1.4 – establishing clear, predictable progression rules; ESG 1.6 – providing adequate learning resources; and ESG 1.7 – maintaining reliable information systems. WFME standards, especially 3.1 and 3.4, emphasize fairness, transparency, and accessible mechanisms for student support and feedback. While these frameworks are often applied to curricula, facilities, and exam formats, they also implicitly assume the existence of effective complaint and remedy channels. Without timely responses or corrective action for violations, compliance with ESG and WFME risks is purely nominal rather than substantive.

3. PROCEDURAL TIMELINE: FROM SILENCE TO COMPELLED RESPONSE

The Semmelweis case between late June and early November 2025 can be reconstructed as a sequence of procedural events in which administrative silence and reactive compliance appear repeatedly.

3.1 Four Unanswered Internal E-Mails (June 26–July 3, 2025)

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Between **June 26 and July 3, 2025,** the complainant sent four electronic mails to relevant Semmelweis authorities, seeking clarification and resolution of issues previously documented in the report titled 'Denied Access to the Scalpel for Dissecting the Specimen' and related submissions. The messages explicitly referenced the Study and Examination Regulations (SZMSZ), outlined specific harms such as denied access to mandatory anatomy practicals and impaired examination preparation. They requested a definitive resolution in accordance with Hungarian and European Union law. No acknowledgment or substantive response was received. The absence of even a provisional reply necessitated escalation through formal channels.3.2 Administrative Court Petition (July 3, 2025)

On **July 3, 2025**, the complainant submitted a petition to the Budapest Metropolitan Court, alleging administrative obstruction and the misapplication of internal policies. The petition requested judicial intervention to compel Semmelweis University to recognize the complainant’s lawful student status and to grant the complainant access to mandatory educational components. At this juncture, the Court served both as a potential remedy and a procedural catalyst: the way it addressed the petition would directly impact whether the university retained the discretion to disregard the underlying complaint.

3.3 Transmission Order of the Court (July 11, 2025)

On **July 11, 2025,** the Court issued a transmission order directing that the petition be transmitted to Semmelweis University for a response. This order did not resolve the dispute but clarified the university’s awareness of the complaint and rendered prior silence an increasingly questionable omission. The order also underscored a structural issue: external judicial pressure was necessary to progress the case beyond the impasse caused by unresolved internal correspondence.

3.4 First University Reply (July 14, 2025)

Semmelweis University issued its first official documented response on **July 14, 2025,** signed by the Vice-Rector. This communication arrived only after the Court had forwarded the petition, not in reply to the complainant’s initial emails. The timing supports a key argument of this paper: that the university’s approach was reactive and compelled rather than proactive and rights based. Without the Court’s involvement, the earlier pattern suggests silence could have continued indefinitely.

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3.5 Ombudsman Ruling and Defective Service (August 15, 2025)

Simultaneously, the complainant engaged the Commissioner for Fundamental Rights (Ombudsman) by making detailed submissions that referenced both domestic and European Union law. On **August 15, 2025**, the Ombudsman issued a ruling officially closing Case EBF–AJBH–309–2025. However, the decision was not effectively communicated to the complainant. The verdict was only indirectly known, indicating possible flaws in the postal service, address management, or procedural diligence. As documented in previous volumes (**Gatekeeper of Rights I & II),** similar instances of “closure without effective notification” have been observed in other education-related cases. From a rights-protection standpoint, this constitutes procedural evasion: a decision exists, yet the individual most affected remains unaware and without a timely means to challenge it.3.6 Retaliatory Signaling (October 14, 2025)

On **October 14, 2025**, Semmelweis University issued a notice referencing the complainant’s publications archived on SSRN and ResearchGate, as well as public-interest disclosures. Instead of engaging with the case record, the communication criticized these publications, indicating discomfort with external transparency rather than a willingness to address issues. This shift from non-response to a defensive stance raises concerns under Act XXV of 2023, which bans retaliation against whistleblowers acting in the public interest.

3.7 Registered Dispatches and Consolidation (November 5, 2025).

On **November 5, 2025,** the complainant dispatched registered letters to consolidate the procedural record among the university, the Ombudsman, and the court. These communications rectified deficiencies in prior communications and established an auditable trail that demonstrably complied with statutory requirements and deadlines. The necessity for dual registered post—a relatively burdensome procedural instrument—underscores the unreliability of standard institutional communication channels.

4. PATTERNS OF PROCEDURAL SILENCE AND REACTIVE COMPLIANCE

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Taken together, the timeline reveals four interlinked procedural patterns that define the Semmelweis case.

4.1 Silence as Default Response to Rights-Based Claims

The initial unanswered emails suggest a default institutional stance of not engaging with complex rights-based complaints. Whether due to overload, risk aversion, or intentional strategy, this silence allows disputed practices to persist while shifting the entire burden of escalation onto the student. In an educational setting where progress relies on dates, signatures, and exam periods, such silence has tangible consequences.

4.2 External Compulsion as the Only Trigger

The initial significant response—the letter dated July 14—was issued only following the Court's transmission order. This sequence shows that external judicial intervention was the primary catalyst for engagement. Internal accountability systems were inadequate. While this reactive compliance is formally legal, it remains substantively weak: institutions react to the Court, not to the student, and only when they are forced to do so.

4.3 Fragmented Oversight and "Invisible" Decisions

The Ombudsman's August 15 ruling, issued but not communicated, exemplifies the phenomenon of invisible decisions: cases are closed in the registry but remain effectively unresolved from the complainant's perspective. This pattern aligns with previous findings in Gatekeeper of Rights I & II, where premature closures and technicalities (such as alleged postal non-collection) hindered the comprehensive examination of education-rights claims. Although such conduct may fulfill internal efficiency metrics, it undermines the fundamental principles of effective administration as stipulated under Article 41.

4.4 Retaliatory Framing of Whistleblowing

Finally, the notice issued on October 14 reframed protected disclosures of public interest as an issue. Instead of viewing external publication as a necessary outlet for a congested domestic system, the university's communication implied discomfort, thereby implicitly discouraging additional transparency. When considered alongside prior

silence, this change jeopardizes redefining whistleblowing from a legally protected act into a mere pretext for reputational management.

5. ADMINISTRATIVE SILENCE AS MALADMINISTRATION

Under Act CL of 2016 and the EU Charter, the behaviours identified above meet key criteria for maladministration.

5.1 Failure to Act Within a Reasonable Time

Although formal deadlines may be debated, the combination of unanswered e-mails, reliance on court transmission to prompt a response, and delayed or ineffective communication of Ombudsman decisions clearly fails the “reasonable time” requirement embedded in Article 41. In education, where semesters and exam periods are short, such delays can render subsequent remedies meaningless.

5.2 Undermining the Right to an Effective Remedy

Article 47 requires that individuals have access to a practical and effective route to remedy, not merely theoretical rights. When delay, silence, and technical non-communication render domestic remedies illusory, individuals may be forced to resort to external publication or international escalation to be heard.

In the Semmelweis case, the decision to publish research papers on SSRN and ResearchGate was not an impulsive reaction but an adaptation to a failed domestic environment.

5.3 Incompatibility with Whistleblower Protection

Act XXV of 2023 aims to promote internal reporting and safeguard involved individuals. However, implementing this framework with silence and hidden retaliation once the case becomes public undermines its purpose. It sends a message that: internal channels are untrustworthy, and external transparency could be used against the reporter. This environment deters early reporting and hampers institutional learning from mistakes.

6. QUALITY-ASSURANCE AND ACCREDITATION IMPLICATIONS

Administrative behavior is not neutral from the standpoint of ESG and WFME.

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6.1 ESG 1.7: Information Management

Unanswered correspondence, reliance on judicial triggers, and defective service of Ombudsman decisions indicate weaknesses in Semmelweis University's information management systems. This directly conflicts with ESG 1.7, which presupposes reliable, transparent handling of student-related information.

6.2 WFME Standards: Student Support and Protection

WFME standards recognize student support and fair treatment as integral to program quality. Where complainants experience administrative silence, fragmented oversight, and retaliatory framing of disclosures, assurance claims about "supportive learning environment" become difficult to credit.

6.3 Systemic Risk for International Students

International students, who often pay higher tuition and depend on host institutions for visas and progression documentation, are disproportionately affected by procedural failures. Administrative silence amplifies existing asymmetries of information and power, turning uncertainty into an instrument of control.

In this sense, administrative inaction becomes a latent quality-assurance defect with cross-border implications for qualification recognition and trust in EU-based medical programs.

7. POLICY RECOMMENDATIONS

To address these risks, the paper recommends reforms across three levels.

7.1 University-Level Reforms Universities should establish clear response deadlines for complaints and petitions, such as 15 working days, with automatic escalation to a higher authority if not met. They should implement centralized case-tracking systems that allow students to confirm receipt and monitor the status of their submissions. Additionally, whistleblower channels must be institutionally independent from line management to minimize conflicts of interest. It should also be prohibited to

make retaliatory or reputationally damaging references to protected disclosures in official communications.

7.2 National Rights-Protection Bodies

The **Ombudsman, NAIH, and MAB** should recognize administrative silence as a potential rights violation and explicitly examine it in their decisions. They should also implement multi-channel notification methods that combine postal and electronic communication to convey rulings effectively. Additionally, they should publish aggregated statistics on handling times, especially for education-related cases, and coordinate efforts across overlapping mandates to prevent gaps in institutional accountability.

Regarding EU and accreditation actors, ***DG EAC, DG JUST, ENQA, and WFME*** should clarify that effective complaint handling and whistleblower protection are integral to ESG and WFME compliance. They are encouraged to urge national quality-assurance agencies to incorporate procedural audits within medical-education accreditation cycles. Moreover, they should reference documented patterns of administrative silence and reactive compliance in Rule of Law Reports, particularly where higher education intersects with EU-funded projects.

8. CONCLUSION

This paper has examined a narrow but crucial question: what happens after a student in Hungary invokes the formal mechanisms designed to protect their educational rights? In the examined case, the answer is troubling. Internal e-mails went unanswered; the first meaningful university reply came only after a Court transmission order; an Ombudsman decision was issued without effective communication; and a later university notice appeared more preoccupied with external publications than with correcting underlying violations.

Such patterns of procedural silence and compelled response are inconsistent with Act CL of 2016, undermine the functional content of EU Charter Articles 41 and 47, and weaken confidence in domestic

whistleblower protections. They also sit uneasily with ESG and WFME claims that complaint and feedback mechanisms are effective.

In systems where educational opportunities are time-bound and cross-border recognition depends on trust, administrative inaction is not benign. It is a mechanism by which rights can be eroded without explicit denial. Recognizing this and embedding procedural safeguards and transparent communication practices across universities and oversight bodies is essential if the European Higher Education Area is to remain credible for international students.

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B. Hungarian Legal Framework

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